

By Traeger

S.B. 901

A BILL TO BE ENTITLED

AN ACT

1 relating to regulation of the fitting and dispensing of hearing aids.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

3 SECTION 1. Section 4, Chapter 366, Acts of the 61st Legisla-
4 ture, Regular Session, 1969 (Article 4566-1.04, Vernon's Texas Civil
5 Statutes), is amended by adding Subsection (i) to read as follows:

6 (i) The Board by rule shall adopt requirements for the
7 continuing education of licensees under this Act in subjects
8 pertaining to the fitting and dispensing of hearing aids. The
9 Board by rule may approve specific courses of instruction or
10 establish minimum content requirements of courses of continuing
11 professional education and provide programs for continuing education.

12 SECTION 2. Section 13, Chapter 355, Acts of the 61st
13 Legislature, Regular Session, 1969, as amended (Article 4566-1.13,
14 Vernon's Texas Civil Statutes), is amended to read as follows:

15 (a) Each license to fit and dispense hearing aids shall be
16 issued for the term of one year and shall, unless suspended or
17 revoked, be renewed annually on September 1 on payment of the
18 renewal fee.

19 (b) A person may renew his unexpired license by paying to the
20 Board before the expiration date of the license the required
21 renewal fee. *in*

22 (c) If a person's license has been expired for not more than
23 90 days, the person may renew the license by paying to the Board
24 the required renewal fee and a fee that is one-half of the exam-
25 ination fee for the license.

26 (d) If a person's license has been expired for more than 90
27 days but less than two years, the person may renew the license by
paying to the Board all unpaid renewal fees and a fee that is equal

1 to the examination fee for the license.

2 (e) If a person's license has been expired for two years or
3 more, the person may not renew the license. The person may obtain
4 a new license by submitting to reexamination and complying with the
5 requirements and procedures for obtaining an original license.

6 (f) Before a license can be renewed, the Board shall require
7 certification that all testing equipment, both portable and
8 stationary, used by the licensee has been calibrated within one
9 year prior to the renewal date.

10 (g) Before a license can be renewed, a licensee must demon-
11 strate compliance with the requirements of continuing education
12 established by the Board under Section 4 (i) of this Act.

13 On written request, the Board shall provide an alternative
14 mechanism for meeting the continuing education requirement through
15 examination.

16 The Board may waive compliance with the continuing edu-
17 cation requirement for license renewal in an individual case upon
18 evidence of hardship or inability to meet the requirement. The
19 waiver may be granted after review by the Board on an annual basis. 2) 3)

20 ~~(g)~~ (h) Fitting and dispensing hearing aids without an annual
21 renewal certificate for the current year as provided herein shall
22 have the same force and effect and be subject to the same penalties
23 as fitting and dispensing hearing aids without a license.

24 ~~(h)~~ (i) The Board shall issue a duplicate license to any
25 licensee whose license has been lost or destroyed and the Board
26 shall have the authority to prescribe the procedure and require-
27 ments for the issuance of the duplicate license.

1 SECTION 3. The importance of this legislation and the crowded
2 condition of the calendars in both houses create an emergency and
3 an imperative public necessity that the constitutional rule requiring
4 bills to be read on three several days in each house be suspended,
5 and this rule is hereby suspended, and that this Act take effect
6 and be in force from and after its passage, except for Section 2
7 which shall take effect on September 1, 1984, and it is so enacted.
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By: Traeger

S.B. No. 901

(In the Senate - Filed March 9, 1983; March 10, 1983, read first time and referred to Committee on Health and Human Resources; April 18, 1983, reported favorably; April 18, 1983, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to regulation of the fitting and dispensing of hearing aids; amending Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.04, Vernon's Texas Civil Statutes), by adding Subsection (i) to Section 4 and by amending Section 13.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 4, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.04, Vernon's Texas Civil Statutes), is amended by adding Subsection (i) to read as follows:

"(i) The Board by rule shall adopt requirements for the continuing education of licensees under this Act in subjects pertaining to the fitting and dispensing of hearing aids. The Board by rule may approve specific courses of instruction or establish minimum content requirements of courses of continuing professional education and provide programs for continuing education."

SECTION 2. Section 13, Chapter 366, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 4566-1.13, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 13. (a) Each license to fit and dispense hearing aids shall be issued for the term of one year and shall, unless suspended or revoked, be renewed annually on September 1 on payment of the renewal fee.

"(b) A person may renew his unexpired license by paying to the Board before the expiration date of the license the required renewal fee.

"(c) If a person's license has been expired for not more than 90 days, the person may renew the license by paying to the Board the required renewal fee and a fee that is one-half of the examination fee for the license.

"(d) If a person's license has been expired for more than 90 days but less than two years, the person may renew the license by paying to the Board all unpaid renewal fees and a fee that is equal to the examination fee for the license.

"(e) If a person's license has been expired for two years or more, the person may not renew the license. The person may obtain a new license by submitting to reexamination and complying with the requirements and procedures for obtaining an original license.

"(f) Before a license can be renewed, the Board shall require certification that all testing equipment, both portable and stationary, used by the licensee has been calibrated within one year prior to the renewal date.

"(g) Before a license can be renewed, a licensee must demonstrate compliance with the requirements of continuing education established by the Board under Subsection (i) of Section 4 of this Act."

"On written request, the Board shall provide an alternative mechanism for meeting the continuing education requirement through examination."

"The Board may waive compliance with the continuing education requirement for license renewal in an individual case upon evidence of hardship or inability to meet the requirement. The waiver may be granted after review by the Board on an annual basis."

"(h) Fitting and dispensing hearing aids without an annual renewal certificate for the current year as provided herein shall have the same force and effect and be subject to the same penalties as fitting and dispensing hearing aids without a license.

"(i) ~~[(h)]~~ The Board shall issue a duplicate license to any licensee whose license has been lost or destroyed and the Board shall have the authority to prescribe the procedure and requirements for the issuance of the duplicate license."

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, except for Section 2 which shall take effect on September 1, 1984, and it is so enacted.

* * * * *

Austin, Texas
April 18, 1983

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Health and Human Resources to which was referred S.B. No. 901, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Brooks, Chairman

BILL ANALYSIS

BY: TRAEGER

S.B. 901

Background Information:

In 1969, the 61st Legislature passed a law requiring persons engaged in the fitting and dispensing of hearing aid devices to be licensed by the state. Additionally, the statutes created the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids to administer the examinations of applicants for licensure, issue the licenses, and enforce the provisions of the law.

Although many technological advances have been made in hearing aid devices since the legislation was first enacted, licensees currently are not required by statute to update their professional skills accordingly. Under existing law, an individual may renew his license to fit and dispense hearing aids annually by simply paying a renewal fee. According to the board, adding mandatory continuing education requirements to the statutes would help to ensure consumer protection in an ever-changing industry.

What the Bill Proposes to Do:

Directs the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids to adopt requirements for continuing education of licensees; authorizes the board to approve courses, to establish minimum content requirements, and to provide programs for continuing education; requires licensees to demonstrate compliance with board requirements before license may be renewed; directs board to provide alternatives for meeting requirements upon written request; grants board authority to waive continuing education requirements upon evidence of hardship or inability to meet such requirements; provides for waiver of continuing education requirements to be granted after board review.

Section By Section Analysis:

SECTION 1. Amends Section 4, Article 4566.1.04, V.T.C.S., by adding Subsection (i) which directs the board to adopt continuing education requirements for licensees; grants board authority to approve courses of instruction, establish minimum content requirements, and provide programs of continuing education.

SECTION 2. Amends Section 13, Article 4566.1.13, V.T.C.S. by redesignating existing Subsections (g) and (h) as Subsections (h) and (i) respectively, and by adding a new Subsection (g) as follows:

Sec. 13. (g) Sets forth that licensee must demonstrate compliance with continuing education requirements before license may be renewed; directs board to provide alternative mechanism for meeting such requirements through examination of licensee upon written request; grants board authority to waive compliance with such requirements on individual basis upon evidence of hardship or inability to meet requirements; provides for waiver to be granted after board review.

SECTION 3. Emergency clause. Establishes that Act is effective immediately after passage, except for SECTION 2 which is effective September 1, 1984.

Rulemaking Authority:

It is the committee's opinion that rulemaking authority is granted to the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids in Section 4(i) of this bill.

Fiscal Impact:

The fiscal implications of this bill were considered in the development of the fiscal note by the Legislative Budget Board.

LL

4/12/83

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 31, 1983

Honorable Chet Brooks, Chairman
Committee on Human Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 901
By: Traeger

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 901 (relating to regulation of the fitting and dispensing of hearing aids) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The board would be authorized to adopt requirements for the continuing education of licensees in subjects pertaining to the fitting and dispensing of hearing aids.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost to the General Revenue Fund</u>
1984	\$9,750
1985	3,400
1986	3,740
1987	4,114
1988	4,525

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids; LBB Staff: JO, JH, BAB, LV

Article 4566 -1.04, Vernon's Texas Civil Statutes), by adding Subsection (i) to Section 4 and amending Section 13.

By Trager

S.B. No. 901

A BILL TO BE ENTITLED

AN ACT

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SECTION 2. Section 13, Chapter ~~255~~³⁶⁶, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 4566-1.13, Vernon's Texas Civil Statutes), is amended to read as follows:

Section 13.
"(a) Each license to fit and dispense hearing aids shall be issued for the term of one year and shall, unless suspended or revoked, be renewed annually on September 1 on payment of the renewal fee. $\frac{1}{2}$

"(b) A person may renew his unexpired license by paying to the Board before the expiration date of the license the required renewal fee.

"(c) If a person's license has been expired for not more than 90 days, the person may renew the license by paying to the Board the required renewal fee and a fee that is one-half of the examination fee for the license.

"(d) If a person's license has been expired for more than 90 days but less than two years, the person may renew the license by paying to the Board all unpaid renewal fees and a fee that is equal

1 to the examination fee for the license.

2 ^v(e) If a person's license has been expired for two years or
3 more, the person may not renew the license. The person may obtain
4 a new license by submitting to reexamination and complying with the
5 requirements and procedures for obtaining an original license.

6 ^v(f) Before a license can be renewed, the Board shall require
7 certification that all testing equipment, both portable and
8 stationary, used by the licensee has been calibrated within one
9 year prior to the renewal date.

10 ^v(g) Before a license can be renewed, a licensee must demon-
11 strate compliance with the requirements of continuing education
12 established by the Board under ~~Section 4~~ ^{Subsection (i)} of this Act.

13 ^vOn written request, the Board shall provide an alternative
14 mechanism for meeting the continuing education requirement through
15 examination. ^{2/2}

16 ^vThe Board may waive compliance with the continuing edu-
17 cation requirement for license renewal in an individual case upon
18 evidence of hardship or inability to meet the requirement. The
19 waiver may be granted after review by the Board on an annual basis.

20 ^v~~(h)~~ ^(h) Fitting and dispensing hearing aids without an annual
21 renewal certificate for the current year as provided herein shall
22 have the same force and effect and be subject to the same penalties
23 as fitting and dispensing hearing aids without a license.

24 ^v~~[(h)]~~ ^[(i)] (i) The Board shall issue a duplicate license to any
25 licensee whose license has been lost or destroyed and the Board
26 shall have the authority to prescribe the procedure and require-
27 ments for the issuance of the duplicate license. "

1 SECTION 3. The importance of this legislation and the crowded
2 condition of the calendars in both houses create an emergency and
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April 28 1983 Engrossed
Patsy Spaw
Engrossing Clerk
HOUSE OF REPRESENTATIVES

I certify that the enclosed is a true and correct
copy of S.B. 901, which was
received from the Senate APR 29 1983 and
forwarded to the Committee on
[Signature]
Clerk of the House

By: Traeger
(D. Lee)

S.B. No. 901

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5 than 90 days, the person may renew the license by paying to the
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17 days in each house be suspended, and this rule is hereby suspended,
18 and that this Act take effect and be in force from and after its
19 passage, except for Section 2 which shall take effect on
20 September 1, 1984, and it is so enacted.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 31, 1983

Honorable Chet Brooks, Chairman
Committee on Human Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 901
By: Traeger

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 901 (relating to regulation of the fitting and dispensing of hearing aids) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The board would be authorized to adopt requirements for the continuing education of licensees in subjects pertaining to the fitting and dispensing of hearing aids.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost to the General Revenue Fund</u>
1984	\$9,750
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1988	4,525

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids; LBB Staff: JO, JH, BAB, LV

HOUSE
COMMITTEE REPORT

1st Printing

By: Traeger
(D. Lee)

S.B. No. 901

A BILL TO BE ENTITLED

AN ACT

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2 the Board before the expiration date of the license the required
3 renewal fee.

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5 than 90 days, the person may renew the license by paying to the
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17 days in each house be suspended, and this rule is hereby suspended,
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19 passage, except for Section 2 which shall take effect on
20 September 1, 1984, and it is so enacted.

COMMITTEE REPORT

5.17.83

(date)

The Honorable Gib Lewis
Speaker of the House of Representatives

Sir:

We, your COMMITTEE ON PUBLIC HEALTH, to whom was referred SB901 have had the same under consideration and beg to report back with the recommendation that it (measure)

- (X) do pass, without amendment.
() do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes () no

An author's fiscal statement was requested. () yes (X) no

An actuarial analysis was requested. () yes (X) no

The Committee recommends that this measure be placed on the ~~(Local)~~ or (Consent) Calendar.

This measure (X) proposes new law.
(X) amends existing law.

House Sponsor of Senate Measure Don Lee

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Wright, Ch.	X			
Lee, D., V.C.	X			
Madla, C.B.O.				X
Barrientos	X			
DeLay				X
Eikenburg				X
Oliver	X			
Schoolcraft	X			
Wilson				X

Total
5 aye
0 nay
0 present, not voting
4 absent

Bead Wright
CHAIRMAN
Rynolds
COMMITTEE COORDINATOR

BILL ANALYSIS

Senate Bill 901
Traeger
D. Lee, House sponsor

Committee on Public Health

Background Information:

Currently there is no provision for continuing education requirements for licensed persons who fit and dispense hearing aids. Technology in this area is constantly changing as well as public awareness toward hearing problems.

Purpose and Synopsis:

To allow the Board rulemaking authority to adopt continuing education requirements for licensess and require compliance with the requirements before renewal of a license. The Board is required to provide an alternative mechanism to the continuing education requirement through examination and is allowed to waive compliance upon evidence of hardship or inability to meet the requirement.

This bill proposes new law and amends existing law.

Rulemaking Authority:

The Board of Examiners in the Fitting and Dispensing of Hearing Aids is required to promulgate rules setting requirements for the continuing education of licensees under this Act in subjects pertaining to the fitting and dispensing of hearing aids. The Board is allowed to promulgate rules approving specific courses of instruction or establishing minimum content requirements of courses and providing programs for continuing education.

Summary of Committee Action:

On May 17, 1983, the Committee considered this bill in a public hearing and voted, by a vote of 5 ayes, 0 nays, with 4 members absent, to report the bill to the House with a favorable recommendation. The Committee also recommended the bill for the Consent Calendar by the same record vote.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 12, 1983

Honorable Brad Wright, Chair
Committee on Public Health
House of Representatives
Austin, Texas

In Re: Senate Bill No. 901, as engrossed
By: Traeger

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 901, as engrossed (relating to regulation of the fitting and dispensing of hearing aids), this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The board would be authorized to adopt requirements for the continuing education of licensees in subjects pertaining to the fitting and dispensing of hearing aids.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost to the General Revenue Fund</u>
1984	\$9,750
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Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids; LBB Staff: JO, JH, BAB, DM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 31, 1983

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Committee on Human Resources
Senate Chamber
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Director

Source: Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids; LBB Staff: JO, JH, BAB, LV

Enrolled May 23, 1983
Katay Shaw
Enrolling Clerk

S.B. No. 901

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16 professional education and provide programs for continuing
17 education."

18 SECTION 2. Section 13, Chapter 366, Acts of the
19 61st Legislature, Regular Session, 1969, as amended (Article
20 4566-1.13, Vernon's Texas Civil Statutes), is amended to read as
21 follows:

22 "Section 13. (a) Each license to fit and dispense hearing
23 aids shall be issued for the term of one year and shall, unless
24 suspended or revoked, be renewed annually on September 1 on payment
25 of the renewal fee.

1 "(b) A person may renew his unexpired license by paying to
2 the Board before the expiration date of the license the required
3 renewal fee.

4 "(c) If a person's license has been expired for not more
5 than 90 days, the person may renew the license by paying to the
6 Board the required renewal fee and a fee that is one-half of the
7 examination fee for the license.

8 "(d) If a person's license has been expired for more than 90
9 days but less than two years, the person may renew the license by
10 paying to the Board all unpaid renewal fees and a fee that is equal
11 to the examination fee for the license.

12 "(e) If a person's license has been expired for two years or
13 more, the person may not renew the license. The person may obtain
14 a new license by submitting to reexamination and complying with the
15 requirements and procedures for obtaining an original license.

16 "(f) Before a license can be renewed, the Board shall
17 require certification that all testing equipment, both portable and
18 stationary, used by the licensee has been calibrated within one
19 year prior to the renewal date.

20 "(g) Before a license can be renewed, a licensee must
21 demonstrate compliance with the requirements of continuing
22 education established by the Board under Subsection (i) of Section
23 4 of this Act.

24 "On written request, the Board shall provide an alternative
25 mechanism for meeting the continuing education requirement through
26 examination.

1 "The Board may waive compliance with the continuing education
2 requirement for license renewal in an individual case upon evidence
3 of hardship or inability to meet the requirement. The waiver may
4 be granted after review by the Board on an annual basis.

5 "(h) Fitting and dispensing hearing aids without an annual
6 renewal certificate for the current year as provided herein shall
7 have the same force and effect and be subject to the same penalties
8 as fitting and dispensing hearing aids without a license.

9 "(i) [(h)] The Board shall issue a duplicate license to any
10 licensee whose license has been lost or destroyed and the Board
11 shall have the authority to prescribe the procedure and
12 requirements for the issuance of the duplicate license."

13 SECTION 3. The importance of this legislation and the
14 crowded condition of the calendars in both houses create an
15 emergency and an imperative public necessity that the
16 constitutional rule requiring bills to be read on three several
17 days in each house be suspended, and this rule is hereby suspended,
18 and that this Act take effect and be in force from and after its
19 passage, except for Section 2 which shall take effect on
20 September 1, 1984, and it is so enacted.

S.B. No. 901

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 901 passed the Senate on April 28, 1983, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 901 passed the House on May 20, 1983, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

S.B. No. 901

By Traeger

AN ACT relating to regulation of the fitting and dispensing of hearing aids.

3/9/83
MAR 10 1983 Filed with the Secretary of the Senate
APR 18 1983 Read, referred to Committee on HEALTH AND HUMAN RESOURCES
Reported favorably.
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
Ordered not printed.
APR 28 1983 Senate and Constitutional Rules to permit consideration suspended by unanimous consent yeas. _____ nays. _____
To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.
APR 28 1983 Read second time and { ordered engrossed.
passed to third reading.
Caption ordered amended to conform to body of bill.
APR 28 1983 Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas, 0 nays to place bill on third reading and final passage.
APR 28 1983 Read third time and passed by { a viva-voce vote.
30 yeas, 0 nays.

OTHER ACTION:

Betty King
Secretary of the Senate

April 28, 1983 Engrossed
4-29-83 Sent to HOUSE

Patsy Spaw
ENGROSSING CLERK

APR 29 1983

Received from the Senate
MAY 9 1983 Read first time and referred to Committee on Public Health
MAY 17 1983 Reported favorably ~~amended~~, sent to Printer at 6:30 pm MAY 17 1983
MAY 17 1983 Printed and Distributed 9:23 a.m.
MAY 17 1983 Sent to Committee on Calendars 9:52 a.m.
MAY 20 1983 Read Second time (amended): passed to third reading (~~failed~~)
by (Non-Record Vote) Record Vote of _____ yeas, _____ nays.
~~Present, not voting.~~
Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas _____ nays _____ present not voting.
MAY 20 1983 Read third time (amended); finally passed (~~failed~~) by a (Non-Record Vote) Record Vote of _____ yeas _____ nays.
~~present not voting.~~
Caption ordered amended to conform to body of bill.
MAY 23 1983 Returned to Senate.

Betty King
Chief Clerk of the House

MAY 23 1983

RETURNED FROM HOUSE